

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff

Case No.

Hon.

-vs-

THE LIONS SHARE FX, LLC
JORDAN DENHAM
COLLIN HARGIS and
JOSH PASCOE

Defendants

COMPLAINT

The United States of America brings this action to collect a civil monetary penalty imposed on defendants the Lions Share FX LLC, Jordan Denham, Collin Hargis, and Josh Pascoe (collectively referred to herein as “Defendants”) by the United States Commodity Futures Trading Commission (“CFTC”).

PARTIES

1. The Plaintiff is the United States of America. The CFTC is an agency of the United States that is responsible for protecting markets, consumers, and the public from fraud, manipulation, and abusive practices related to derivatives and other products that are subject to the Commodity Exchange Act (the “Act”).
2. The Lion’s Share FX, LLC (“Lion’s Share”) is a Michigan limited liability company; its resident agent is United States Corporation Agents, Inc., located at

336 W First St., Ste 113, Flint, MI 48502.

3. Jordan Denham is an individual residing at 8417 Lochdale St., Dearborn Heights, MI 48127.
4. Collin Hargis is an individual residing at 7768 N. St. Rd. 1, Ridgeville, IN 47380.
5. Josh Pascoe is an individual residing at 1325 Williams St. # 2214, Adrian, MI 49221.

JURISDICTION AND VENUE

6. The Court has subject matter jurisdiction over this action pursuant 7 U.S.C. § 9a, as well as 28 U.S.C. §§ 1331, 1332, 1345, and 1355.
7. The Court may exercise personal jurisdiction over Lion's Share, Denham and Pascoe because they reside in this judicial district.
8. The Court may exercise personal jurisdiction over all Defendants because a substantial part of the acts and omissions giving rise to the United States' claim occurred here.
9. This judicial district is a proper venue pursuant to 28 U.S.C. §§ 1391(b) and 1395(a) because the Lion's Share, Denham, and Pascoe reside in and can be found within this district.
10. This judicial district is a proper venue for all Defendants because a substantial part of the acts and omissions giving rise to the United States' claim occurred here.

CIVIL MONETARY PENALTY

11. On September 14, 2018, the CFTC entered an Order Instituting Proceedings Pursuant to Section 6(c) and (d) of the Commodity Exchange Act, Making Findings, and Imposing Remedial Sanctions (“the Order”) (Exhibit A-CFTC Order) (hereinafter, Exhibits shall be referred to as “*Ex. __*”), which found that between May 2017 and October 2017 (the “Relevant Period”):

- a. The Lion’s Share violated 7 U.S.C. §§ 2(c)(2)(C)(iii)(I)(bb) and 6m(1) (2012), as well as 17 C.F.R. § 5.3(a)(3)(i); and
- b. Denham, Hargis, and Pascoe violated 7 U.S.C. §§ 2(c)(2)(C)(iii)(1)(aa) and 6k(3), as well as 17 U.S.C. § 5.3(a)(3)(iii). *See Id.*, at p. 4, ¶ IV.

12. Defendants consented to entry of the Order. *Id.*, at p. 5, ¶ E.

13. Pursuant to the Order, the Defendants were ordered to pay a joint and several civil monetary penalty of \$100,000.00 by no later than September 24, 2018. *Id.*, at p. 6, ¶ C.

14. Payment was not made by September 24, 2018; as a result, under the Order, post-judgment interest has accrued on the entire debt owed, as determined by using the Treasury Bill rate prevailing on September 14, 2018 pursuant to 28 U.S.C. § 1961 (2012). *Id.*

15. On April 16, 2019, the CFTC made demands on each of the Defendants for payment pursuant to the terms of the Order. Ex. B-CFTC Demands for

Payments.

16. The Defendants have each failed, refused, or neglected to pay the amount due, despite their consenting to the terms of the Order, and each receiving a notice of demand for payment.
17. The Defendants are jointly and severally liable to the United States in the amount of \$101,361.12 as of April 16, 2019, consisting of principal and interest. A true and correct Certificate of Indebtedness is attached as Ex. C-Certificate of Indebtedness.
18. The CFTC referred this matter to the United States Department of Justice, who may recover the penalty by action in this Court pursuant to 7 U.S.C. § 9a.

WHEREFORE, the United States respectfully requests that the Court:

- A. Enter judgment against Defendants in the amount of \$101,361.12 as of April 16, 2019, plus accrued interest, fees and other accruals to present;
- B. Impose post-judgment interest at the statutory rate pursuant to 28 U.S.C. § 1961 until the Defendants' debt is paid in full;
- C. Grant such other proper relief as this court may deem just and proper.

Respectfully submitted,

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